

CLAY COUNTY BOARD OF COMMISSIONERS
8:30 A.M., TUESDAY, SEPTEMBER 1, 2020
County Board Room, 3rd Floor, Courthouse
MINUTES

The Clay County Board of Commissioners met in regular session with the following Commissioners present: Frank Gross, Jim Haney, Kevin Campbell, Jenny Mongeau and Grant Weyland. Others present or joining remotely: County Attorney Brian Melton, County Administrator Stephen Larson, and Senior Administrative Assistant Colleen Eck.

CALL TO ORDER

Chair Gross called the meeting to order.

APPROVAL OF AGENDA

On motion by Commissioner Mongeau, seconded by Commissioner Weyland, and unanimously carried, the Board approved the agenda with one addition: Funding Allocation Request for Community Resilience Based on CARES Plan; and one deletion: Update on Buffalo River Flood Insurance Study and Request for Contract Amendment.

CITIZENS TO BE HEARD

During this pandemic, citizens continue to have the opportunity to share feedback at Board meetings via website link. Mr. Larson did not receive any requests for this meeting.

EMPLOYEE RECOGNITIONS

The following employees were recognized: Darren Schenck, 20 years, Corrections; and Kathy McKay, 20 years, Public Health.

APPROVAL OF MINUTES

On motion by Commissioner Haney, seconded by Commissioner Campbell, and unanimously carried, the Board approved the minutes from August 18, 2020.

APPROVAL OF PAYMENT OF BILLS AND VOUCHERS

On motion by Commissioner Campbell, seconded by Commissioner Haney, and unanimously carried, the Board approved payment of 109 bills and vouchers totaling \$357,385. From that total, 82 bills and vouchers were under \$2,000 (\$29,643) and the following 27 were over \$2,000:

W Central Regional Juvenile Center	\$78,180	MN Life	\$5,481
Turner Sand & Gravel, Inc.	\$64,322	Becker Co. Public Health	\$4,655
Clay Co. Public Health	\$36,160	Bytespeed, LLC	\$4,500
City of Dilworth	\$25,259	Rick Electric, Inc.	\$4,322
Historical & Cultural Society of Clay Co.	\$15,881	NetCenter Technologies	\$4,294
Dept. of Corrections	\$13,330	City of Hawley	\$4,160
City of Barnesville	\$11,364	City of Hitterdal	\$4,115
Johnson Controls, Inc.	\$8,675	Magic Fund	\$3,980
Schmidt/Shawn	\$6,000	City of Moorhead	\$3,910
Toay/Brian P	\$6,000	Enterprise FM Trust	\$3,842

Ramsey Co. Med Examiner	\$3,517	Bob Barker (Sheriff)	\$2,399
MN Dept of Transportation	\$3,500	TrueNorth Steel	\$2,245
Karlsson Law Office	\$3,000	Best Buy Business Advantage	\$2,100
Regents of University of MN	\$2,551		

COVID-19 UPDATE

Public Health Director Kathy McKay and Nursing Director Jamie Hennen provided handouts on COVID-19 data. Ms. McKay stated the current number of COVID cases in Clay County is at 880 and number of deaths remains at 40. Across the State of Minnesota there have been 75,864 cases; 679 newly reported cases; and one additional death. The 14-day case rate for Clay County has decreased slightly to 7.32. When higher ed students come back to the area they anticipate some increases. NDSU has had a large number of cases. Dr. Deborah Birx, Response Coordinator for the White House Coronavirus Task Force, has stated that ND and MN communities need to take additional precautions to prevent the spread of the coronavirus. Her message is to wear masks, social distance, stay home when sick and when waiting for test results. A total of 49 cases in MN reportedly stemmed from the recent Sturgis event and ND had similar numbers.

Ms. Hennen provided highlights from the past week. She stated that the community spread numbers do not distinguish if the spread was on the MN side or ND side. The total number of completed tests on August 30 was 11,346 across MN. Commissioner Haney asked them to pursue the numbers for case fatality rates. The schools are going by the 14-day case rate per 10,000 people. The Public Health lab does not have the means to provide a positivity rate for Clay County. Commissioner Campbell stated it is challenging to track numbers when Clay County is a border county.

ADDITION: FUNDING ALLOCATION REQUEST FOR COMMUNITY RESILIENCE BASED ON CARES PLAN

Public Health Director Kathy McKay stated the COVID vaccines will need to be refrigerated when they arrive. They are planning for mass dispensing of the vaccine. A drive-thru vaccination process would be best. They will also need personal protective equipment (PPE) for the vaccination process. The refrigeration life for vaccines is generally pretty long. More than likely there will be an initial dose and then a booster dose 30 or 60 days out, but that has not been confirmed. A transport vehicle and supplies will also be needed for detox clients. Other expenses for WIC (Women, Infants, Children) include an increase in mailings, postage, travel expenses, and equipment such as scales for mothers to take home to weigh babies when their visits are done virtually. These items have been addressed and deemed necessary by the CARES Act Committee.

On motion by Commissioner Campbell, seconded by Commissioner Weyland, and unanimously carried, the Board approved the request from Public Health for \$339,261 from CARES Act funding under the Community Resilience Allocation.

CARES ACT COMMITTEE UPDATE

County Administrator Stephen Larson and Human Resources Director Darren were present with an update from the CARES Act Committee. Mr. Larson extended appreciation to all those serving on the committee and meeting twice a week. Much of the focus thus far has been on the Business Relief Plan. The Business Relief Plan has been advertised on Facebook and the County website. The information was provided to West Central Initiative and to all the licensed daycares in Clay County.

Mr. Brooke referred to the business applications stating that as of this morning 83 applications have been completed with a total of close to \$600,000. They will continue to take applications through next Monday.

They are working closely with the City of Moorhead to determine if their funds are adequate or if more funds are needed for the city. After the deadline the totals will be determined, and the County will send out the checks. The maximum per business is \$10,000 as it stands now. As of today, none of the long-term care facilities have applied.

REQUEST BOARD APPROVAL OF COURTHOUSE MULTI-PURPOSE COMMUNITY MEETING ROOM

Mr. Larson addressed challenges with distancing and adequate space needs at the courthouse. Social distancing requirements have had impacts on several areas including citizen advisory boards, court activities, county board/committee meetings and voting. Ensuring that the County has the appropriate technology infrastructure is also vital. The proposal is for Construction Engineers to remodel third floor meeting rooms A and B and the mail room for a community meeting room with a partition. The existing layout and proposed layout were presented. This room will allow the other committees and boards to also be televised. The desks would be movable for a variety of set-ups and 6-foot spacing. The committee felt this plan meets the criteria. The remodel would cost \$267,000; the AV equipment \$100,000 and the furniture \$83,000. Construction Engineers feel they could complete the work by the deadline of December 1st. Commissioner Mongeau noted this type of room makes sense for the long-term. Commissioner Campbell added that it helps with transitioning and would allow the public to continue to be active during meetings and hearings.

On motion by Commissioner Weyland, seconded by Commissioner Haney, and unanimously carried, the Board approved \$450,000 from the CARES Act infrastructure funds for a multi-purpose community meeting room at the courthouse.

REQUEST FOR APPROVAL OF CARES ACT FUNDING FOR COMMUNITY RESILIENCY ALLOCATION

Social Services Director Rhonda Porter and Health Promotion Director Rory Beil were present with a recommendation for the Community Resiliency Allocation. They have reached out to providers of mental health in the community, soliciting proposals, and received eight proposals thus far. A number of meetings for vetting have taken place. The funds need to be utilized within three months. They provided the following list for approval:

- * REACH, \$9050, toward working with teachers in Hawley and Barnesville.
- * Lakeland Mental Health, \$6200, looking at funds for Telehealth and support groups.
- * The Village Family Service Center, \$51,830, proposal to have individuals come in who do not have a diagnosis to receive a free assessment.
- * A Place for Hope: Recovery and Wellness Center, \$21,190, Social Club in Moorhead – getting food to their members and others in community.
- * Lutheran Social Services, \$94,496, respite services for parents and kids who are struggling.
- * New American Consortium, \$41,400, in-person academic and social support for distance learning days at the consortium.
- * Afro American Development Association, \$64,600, working with schools, learning as liaison, information and recommendations due to COVID.
- * Solutions Behavioral Healthcare Professionals, \$100,000, focus on virtual learning environment for students, teachers and parents.

Clay County has allocated \$500,000 in CARES Act funds under the Community Resiliency category. The focus of these funds is to address community mental health needs as well as the educational stability and support for parents, teachers, and students due to the COVID-19 pandemic.

On motion by Commissioner Mongeau, seconded by Commissioner Campbell, and unanimously carried, the Board approved \$388,766 from CARES Act funds under the community resiliency category.

REQUEST FOR APPROVAL OF CARES FUNDING FOR TWO TECHNOLOGY INFRASTRUCTURE SOLUTIONS

Ms. Porter referred to her handout for two technology infrastructure solutions: 1) eSignature Solution; and 2) Accounting CaseWorks Edition (ACE). She explained the needs and efficiencies of these solutions. The request to purchase eSignature transactions is for \$15,000. This will expedite application processes with online signing. The Accounting CaseWorks Edition will help with the flow of paperwork in remote work. It would be a six-County deployment. Clay County already hosts the other five Counties on its server. ACE is an electronic management system for the accounting functions of Social Services. Starting in 2022 it would have to be budgeted going forward. The purchase price and implementation of the Accounting CaseWorks Edition would be \$95,888. Commissioner Campbell stated this is a good opportunity for the County to get this software. Tech Services staff watched the demo and were confident that it is a good product.

On motion by Commissioner Campbell, seconded by Commissioner Weyland, and unanimously carried, the Board approved the purchase of two technology infrastructure solutions with CARES Funding: eSignature Solution for \$15,000 and Accounting CaseWorks Edition for \$95,888.

BUDGET UPDATE

Mr. Larson and Auditor Treasurer Lori J. Johnson provided the budget update to the Board. The net levy increase was last shown as 10%. Mr. Larson went back to the department heads asking for any adjustments they could make in their budgets. Several adjustments were made. There was also a new construction adjustment of 1.2%.

The half-cent sales tax received was included with a breakdown of allocations through August 2020. The second August payment has not yet been received. The sales tax amounts every month were greater than 2019. An audit was completed and there was funding provided for the audit in the June category.

Mr. Larson went over the Summary of 2021 Tax Levy by Funds. A number of adjustments brought it down from 10% to 4.99%. They removed \$400,000 from the building fund line item proposed for 2021, leaving \$50,000 for campus projects. They reallocated \$150,000 from wind taxes toward the budget. An MCIT dividend of \$157,348 went toward the budget. They also reduced the debt maturity from 100% to 75% for a savings of \$234,000. They also plan to use \$1.2 million of the \$1.4 million fund balance toward the budget. Insurance rates were up 23% and Worker's Comp was up as well. The internal service funds for Road and Bridge were increased by \$100,000 for additional gravel needs. Commissioners Gross and Weyland noted appreciation for getting the tax levy increase down to less than 5%.

REQUEST APPROVAL TO PURCHASE BOBCAT L23 SMALL ARTICULATED LOADER

Maintenance Supervisor Joe Olson requested approval to purchase a Bobcat unit. It was last upgraded in 2016. Last year they found the unit to be a little undersized for the expanded campus needs. The proposed unit would lead to less downtime with the quick-attach feature. The funds would come from

their internal services fund. Two quotes were received for the Bobcat unit and the broom/snowblower attachments as listed below. Swanston's will take the used John Deere tractor on trade-in for \$11,000.

Bobcat Unit:

Swanston's Equipment: \$29,562 (Unit Only)

Bobcat of Grand Forks: \$30,359 (Unit Only)

Attachments (Broom, Snowblower)

Quick Attachments, LLC: \$9,369.56

Erskine Attachments: \$9,300

On motion by Commissioner Weyland, seconded by Commissioner Haney, and unanimously carried, the Board approved moving forward with the low quote from Swanston's Equipment of \$29,562 for the Bobcat unit and the low quote from Erskine of \$9,300 for attachments.

AMEND CONTRACT WITH BURNS AND MCDONNELL ENGINEERING COMPANY

Solid Waste Manager Kirk Rosenberger asked the Board for approval of two contract revisions for Burns and McDonnell for landfill construction project. The first revision is to expand the final cover design. This will greatly improve stormwater management at the landfill and will resolve a long-standing problem. The amount of the first contract revision is \$25,197. The second contract revision is to design a public drop-off area. To ensure safety on the working face of the landfill, private vehicles are not allowed on the working face. The current drop-off area is small, presents potential safety issues, and does not readily accept all types of drop-off vehicles. A new site will remedy many untenable issues. The amount of the second contract revision is \$36,466.

On motion by Commissioner Weyland, seconded by Commissioner Haney, and unanimously carried, the Board approved the two proposed contract revisions with Burns and McDonnell for landfill construction.

CONDUCT INTERVIEWS / CONSIDER APPOINTMENT OF BUFFALO-RED RIVER WATERSHED DISTRICT MANAGER

The Board received applications from four individuals who are interested in being appointed manager to a three-year term on the Buffalo-Red River Watershed District (BRRWD) Board.

Jerald Butenhoff approached the Board and provided answers to questions related to serving on the BRRWD Board. His experience comes from farming: dealing with water issues and managing drainage. He has been on the township board for a number of years. He noted that the farmers who are abiding with the buffer strips are basically already protected, and for them to pay more taxes for retention strips is wrong. He has had many dealings with the watershed board, and they have been generally positive. He does not agree with how things are going with the diversion project but realizes the Fargo-Moorhead area needs protection. He admitted he is not completely up to date on the project; however, he is concerned that folks are not being compensated properly and wonders where small family farms will relocate. He mentioned tax base changes, crop insurance issues, and other impacts of the diversion.

Mike Butenhoff stated he would bring diversity to the watershed board. He has served on the Clay County Fair Board, was born and raised in Clay County, lived in Oakport Township for 17 years, and now resides in Moorhead. His background is in ag sales service. He currently has no civil duties right now and wants to take

an active role. The majority of his dealings with drainage have been through his ag business. He stressed the need to have all parties work together to find solutions that work for everyone. He realizes there will always be some conflicts. He has not had any direct experience with the watershed. He admitted he has paid very little attention to the diversion project. In 2007 he dealt with sandbagging and lived through the fear of flooding. He noted he would have to look at the facts, costs vs. reward, benefits, and payment of land affected. He added that land is a lifetime legacy investment, but he also sees the need to protect the Fargo Moorhead area.

Joel Hildebrandt was interviewed via speaker phone. He stated he has been a member of the of Soil and Water Conservation District (SWCD) for eight years and prior to that he served on the SWCD in Grant County and on a Joint Powers Board. As a board member he has assisted landowners and farmers with conservation practices. He noted that conservation was instilled in him by his father. He feels he could bring something positive to the board. He believes that with managing drainage, one needs to measure the cause and effect of it. Landowners need to relocate or mitigate a wetland that is being disturbed. Landowners need to think of others and the effect they may have on neighbors in the watershed. He has had no direct dealings with the Buffalo Red River Watershed District other than working with them as partner of the SWCD. He noted he is neither for nor against the diversion project but realizes that Fargo Moorhead needs protection. He would be inside the diversion if it was built. He is aware of the “heartburn on both sides of the river” regarding water storage. He would look at how it would affect the watershed. He noted there is a finite amount of money and a finite amount of resources, and there needs to be good reasoning for following or not following a particular practice.

Jerry Janssen experience includes being a lifelong farmer by Barnesville on Stony Creek. He also has land that sheds into Whiskey Creek. He has built water retention dikes to control runoff and sediment and to eliminate erosion and has done some tile projects. He also has land by Downer. He stated that working with neighbors is important when dealing with how to move water. He would like to be a watershed manager because of his concern that they will get the wrong person in the role. He believes in getting along with neighbors and getting people to agree on issues. He believes that drainage needs to be controlled rather than letting it go unabated. His own farm is proof of what can be done. He has had generally positive personal experiences with the BRRWD. They have been able to eliminate a lot of erosion and have slowed down the water flow. He stated that with Fargo-Moorhead being the economic hub of the region it is obvious that something needs to be done to protect it. He does not know all the details of the current plan but is willing to learn. He attended NDSU and has been a lifelong farmer.

Commissioner Campbell stated this board has been supportive of the diversion for a number of years. The current watershed is in a legal challenge against the diversion and are spending large portions of taxpayer dollars. Some of the watershed managers have not been interested enough to have a seat at the table to discuss the project. They had an opportunity to be part of the diversion membership and they declined. Mr. Janssen stated he would certainly look at it objectively but couldn’t guarantee he would take one side or another. He would like to see some kind of agreement in which hopefully everyone comes out ahead.

The Board will wait until their Board meeting next week to consider making an appointment.

COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE/DISCUSSIONS

Many of the following committee reports are from virtual or remote meetings.

- Commissioner Campbell attended meetings for CARES Act Committee (2); Dispatch; Joel Paulsen RE: FM Diversion Projects; Prairie Lakes Municipal Solid Waste Authority; FM Diversion Public Outreach; Land Management; Solid Waste Advisory Committee; and FM Diversion Chairs Executive Committee. He added that the contested case hearing was opened again today for additional testimony and cross examination.
- Commissioner Mongeau attended two CARES Act Committee meetings.
- Commissioner Gross attended meetings for City of Hitterdal; Buffalo Red River Watershed Board RE: One Watershed One Plan; and MetroCOG Transportation Update.
- Commissioner Weyland attended meetings for Dispatch; Moorhead Clay County Joint Powers Authority; and Legal Issues.
- Commissioner Haney attended an FM Diversion Finance Committee meeting.
- Administrator Larson attended meetings for Dispatch; Budget Process; Legal Issues; CARES Act Committee (2); Solid Waste Advisory Committee; Moorhead Clay County Joint Powers Authority; and County Management.

On motion by Commissioner Campbell, seconded by Commissioner Haney, and unanimously carried, the Board added all other commissioners as alternates to the Wild Rice Watershed District and Buffalo-Red River Watershed Districts due to all the additional COVID meetings, to be sure this Board is represented at their meetings.

**CLOSED SESSION FOR ONGOING CONTRACT NEGOTIATIONS – ATTORNEY / CLIENT PRIVILEGE -
COUNTY ATTORNEY BRIAN MELTON**

On motion by Commissioner Weyland, seconded by Commissioner Mongeau, and unanimously carried, the Board closed the public meeting for a closed session at 11:32 a.m.

On motion by Commissioner Weyland, seconded by Commissioner Campbell, and unanimously carried, the Board reopened the public meeting at 12:02 p.m.

On motion by Commissioner Campbell, seconded by Commissioner Mongeau, and unanimously carried, the Board approved looking into an expansion of the Motor Vehicle Department.

The meeting adjourned at 12:03 p.m.

Frank Gross, Chair
County Board of Commissioners

Stephen Larson, County Administrator